

Request for RCE attached, Mail Stop: RCE

Large Entity Fees now apply. Inventor / Applicant Brad A. Armstrong

NOV 01 2004		AMENDMENT TRANSMITTAL LETTER		Docket Number (Optional)
Application Number 09/596,680	Filing Date 06/29/2001	Examiner K. Nguyen	F29 Group An Unit 3713	
Invention Title CONTROLLER WITH ANALOG PRESSURE SENSOR(S)				

TO THE COMMISSIONER OF PATENTS AND TRADEMARKS

Transmitted herewith is an amendment in the above - identified application.

- Small Entity status of this application has been established under 37 CFR 1.27 by a verified statement previously submitted.
- A verified statement to establish Small Entity status under 37 CFR 1.27 is enclosed.
- No additional fee is required.
- The fee has been calculated as shown below:

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TECHNOLOGY CENTER R3700

CLAIMS AS AMENDED

(1)

(2)

(3)

	CLAIMS REMAINING AFTER AMENDMENT	HIGHEST NUMBER PREVIOUSLY PAID FOR	PRESENT NUMBER EXTRA	RATE	Fee
TOTAL CLAIMS	56	minus .. 47	9	x \$18	\$162
INDEPENDENT CLAIMS	14	minus ... 7	7	x \$88	\$616
MULTIPLE DEPENDENT CLAIM ADDED		0		\$	0
					TOTAL \$ 778
If applicant has small entity status under 37 CFR 1.9 and 1.27, then divide total fee by 2, and enter amount here.					SMALL ENTITY TOTAL \$

RCE Fee.....\$790.00 (Large Entity)
 3 Months Extension of Time Fee...\$980.00 (Large Entity)
 Additional Claims Fee\$778.00 (Large Entity)

\$2548.00 Due

A check for \$2548.00 is attached.

Nov. 1, 2004

Date

Brad A. Armstrong

Signature



CERTIFICATE OF EXPRESS MAILING

Mail Stop RCE

Commissioner for Patents
PO BOX 1450
Alexandria VA 22313-1450

The Express Mailed Date Requested

I hereby certify that this complete correspondence regarding my Patent Application No. 09/896,680 is being deposited with the United States Postal Service as EXPRESS mail, article number ER715475086US with sufficient postage pre-paid in an envelope addressed to: Commissioner for Patents, PO BOX 1450, Alexandria VA 22313-1450, on this

date:

Nov. 1, 2004



Brad A. Armstrong

Brad A. Armstrong, Inventor / Applicant

Mail Stop RCE
Commissioner for Patents
PO BOX 1450
Alexandria VA 22313-1450

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TECHNOLOGY CENTER R3700

Re: Patent Application of Brad A. Armstrong
Patent Application No.: **09/896,680**
Filed: 06/29/2001
Applicant's file no. F29
Correspondence mailing address: Brad A. Armstrong
P.O. Box 2048
Carson City NV 89702

Title: CONTROLLER WITH ANALOG PRESSURE SENSOR(S)
Examiner: Nguyen, Kim
GAU: 3713

Responsive to the Outstanding Office Action Mailed 05/03/2004 made Final

Submission with RCE

Sir:

REMARKS

1)

A Request for Continued Examination (RCE) under 37 CFR 1.114 of the above-identified patent application is hereby made as indicated by the attached RCE Transmittal and check for \$790.00 Large Entity fee payment for the RCE.

SPECIAL NOTE: The current (new) Examiner is requested to review this file in its entirety. Applicant believes the record will show that this file with claims 1-47 was originally properly examined, the claims were allowed and the issue fee paid. Thereafter an entity (the entity unknown to Applicant despite repeated requests from Applicant as to who the entity was) went into publishing and retrieved this file and recommended to the Group Art Director that this file should be reexamined. After the issue fee was paid, Applicant believes the record will show many serious errors were committed by Officers of the Patent Office disregarding a 95 year standing precedent of the United States Supreme Court to use "Great care" in the rejection of already allowed claims (Ex Parte Hay, 1909) (see MPEP 706.04). "Great care" means that the Patent Office should do its best possible work, yet in this case quite the opposite has been true. After claim allowance and issue fee payment the errors made by the PTO have been amateurish, abundant and repeated. The below text sets out a few of these inexplicable errors, while showing the proper allowability of the claims.

SECOND SPECIAL NOTE: New at this time to this file is new evidence of allowability. The prior art relied upon in error as "newly discovered" was given to Applicant by a third party infringer of issued claims to which the current claims are similar and at least in part terminally disclaimed. The pending claims and issued claims have now been licensed by the third party for Millions of Dollars, thus clearly achieving Commercial Success.

2)

A) Please consider the herein remarks, amendments and Information Disclosure Statement followed by finding claims 1-47 again properly allowable, and new claims 48-56 also allowable. Large Entity fee payments are herewith included for the RCE fee and the fee for additional new claims. The Large Entity

fee status is believed now proper due to Applicant having licensed his Invention of this Application to a Large Entity, namely Sony.

B) This response to the 05/03/2004 Office Action is being filed under protest, as the pending claims 1-47 were properly allowed by U.S. Patent Examiner John Paradiso along with his Supervisor Examiner Rinaldi Rada.

C) In the file of this Application No. 09/896,680, please see "Notice of Allowability" PTO date mailed 04/23/2002.

D) Please note that on 05/13/2002 the Patent Issue Fee was paid by Applicant in response to the "Notice of Allowability" of 04/23/2002.

3)

A) Please note that then newly assigned Examiner A. Enatsky in an Office Action "OA" mailed 07/31/2003 on Page 2 thereof advises Applicant that the "Notice of Allowance" is vacated with the reason given on "Page 2" in the second paragraph of the 07/31/2003 OA wherein Examiner Enatsky states that:

"Newly discovered references make the current claims unpatentable"

B) Please note that the only two references relied upon by Rejecting Examiner Enatsky in the 07/31/2003 OA are:

1) Japanese Unexamined Utility Model Application Publication

No. 5-87760 to Furukawa, see Page 2, and

2) Japanese Unexamined Patent Application Publication

No. 7-302159 to Terajima et al, see page 4 of the 7/31/03 OA.

C) 5-87760 Furukawa and 7-302159 Terajima et al are still in the 05/05/2004 OA the only references relied upon.

4)

A) Please note that included with the 04/23/2002 OA from Examiner Paradiso were 10 pages of Information Disclosure Statement "IDS" sheets filed by Applicant which were initialed, signed and returned to Applicant in the 04/23/2002 Office Action by Examiner Paradiso.

In the 04/23/2002 Office Action the two Japanese references 5-87760 Furukawa and 7-302159 Terajima et al were both noted as being reviewed by Examiner Paradiso on page 1 of the 10 pages of Information Disclosure Statement "IDS" sheets filed by Applicant. Japanese references 5-87760 and 7-302159 had also been previously reviewed by Examiner Paradiso during the earlier examination of Applicant's related U.S. Patent 6,343,991, see "Foreign Patent Documents" in U.S. Patent 6,343,991. Examiner Paradiso was quite familiar with both Japanese references 5-87760 and 7-302159 when he allowed claims 1-47 in the "Notice of Allowability" PTO date mailed 04/23/2002 and when he wrote the "Reasons for Allowance" in the 04/23/2002 Office Action.

B) These two Japanese references reviewed by Examiner Paradiso are the only two references listed by Rejecting Examiner Enatsky on 07/31/2003 and are the so-called "*Newly discovered references*" relied upon by Rejecting Examiner Enatsky. Full printed copies of the two Japanese references of 5-87760 and 7-302159 were provided by Applicant to Examiner Paradiso, and were in the file wrapper of this application.

C) Therefore, the two references solely relied upon by Rejecting Examiner Enatsky as being "*Newly discovered references*" in the 07/31/2003

Office Action, and thus the sole basis for the reexamination after allowance of the claims has absolutely no factual basis, is shown in the instant file to be entirely false and represents a very serious error on the part of the PTO to the great harm of Applicant.

D) Rejecting Examiner Enatsky has admitted in a 01/07/2004 Telephone interview and also in the 05/03/2004 OA that the two Japanese Documents are now understood to not be newly discovered. In the Telephone interview of 01/07/2004 Examiner Enatsky stated he would simply proceed as if this were a normal case, again showing his complete lack of understand of the Rules pertaining to the treatment of previously allowed claims, allowed by an earlier examiner.

5)

A) In Applicant's 01/30/2004 response to the 07/31/2003 Office Action, MPEP 706.04 was clearly set out by Applicant as the rules provided by the Commissioner for Patents to govern rejection of previously allowed claims. The Commissioner requires the following of MPEP 706.04 by Patent Examiners in situations of previously allowed claims such as the current claims 1-47. The strict following of rules set forth by the Commissioner for Patents is the **only** way in which all Applicants are assured of equal and thus fair treatment under the law.

B) Applicant has below, for the Examiner's convenience, provided a copy of section 706.04 of the Manual of Patent Examining Procedure copied from the USPTO web site.